REMARKS/ARGUMENTS

Applicant has amended claims 1, 2, 29, and 30. Upon entry of the response and of the amendments, claims 1-25 and 27-30 are pending for reconsideration by the Examiner.

Upon further reflection, Applicant has amended the claims to better define the invention. New limitations concerning mouse operation are recited.

Specifically, the amendments concern new limitations of mouse operation in Claims 1, 2, 29 and 30. The amendatory language inserted into claims 1, 2, 29, and 30 now clearly patentably distinguishes the claims over the Adler reference.

Entry of this Response is proper since no additional search is required and the remarks are solely directed to the positions taken by the Examiner as to the meaning and proper interpretation of the claims of record and the cited Adler reference.

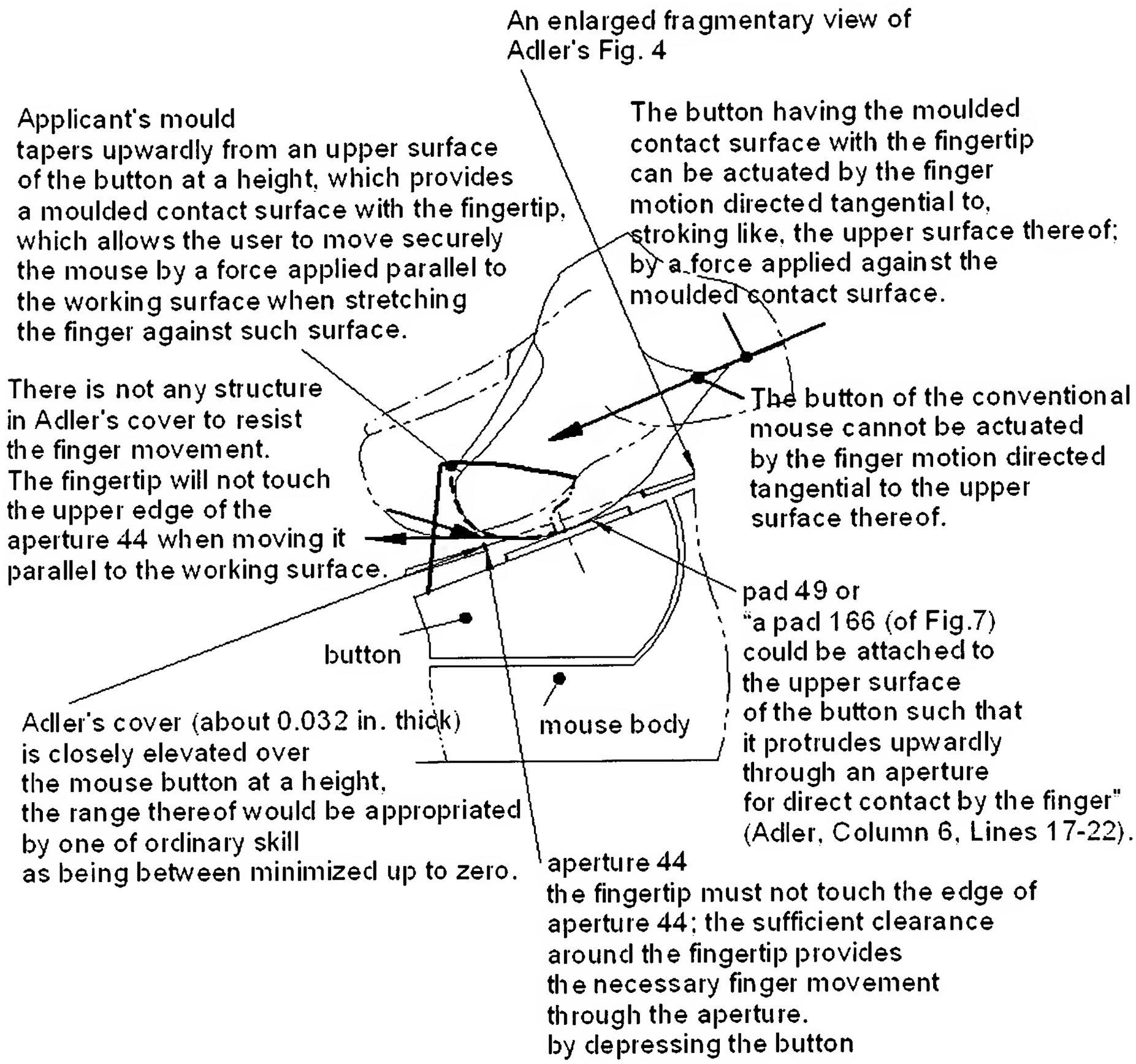
Reconsideration of the Examiner's rejection is respectfully requested in view of the following remarks.

The Examiner has repeatedly rejected Claims 1-13, 24 and 27 -30 under 35 U.S.C. § 103(a) as being obvious by Adler (US Patent 6,256,015 B1). Applicant respectfully traverses the rejections.

Applicant continues to assert that claim 1, 2, 29 and 30 were patentable over the cited Adler reference for, among other things, the reason that the Adler reference simply does not fairly or properly disclose, teach or suggest any structure, like the mould formed on the upper surface of the button, which could provide the ways of mouse operating in the manner claimed in the present disclosure.

To support Applicant's assertion, Applicant submits below annotated fragmentary illustrations of Adler's Drawings, Figs. 4 and 7, and further annotated with an inserted contour of the finger and Applicant's mould. Applicant will appreciate if the Examiner would pay attention to the annotations given additionally in the submitted illustrations to explicitly describe the differences between Adler's cover and Applicant's disclosure.

The subject matter of the present disclosure is the moulded form of the upper surface of the mouse button, which allows the user to move the mouse forward without actuating the button by a force applied generally parallel to the working surface by the index or middle fingertip when stretching the finger against the moulded contact surface and to actuate the button without actuating mouse movement by a force applied tangential to the angled upper surface of the mouse button by the index or middle finger when stretching forward downward against the moulded contact surface (Claims 1, 2, 29 and 30, Fig. 3).



The Examiner will appreciate that Applicant claims in the present invention the mould formed or attached on the button, and consequently, the way of the button actuating, which is provided by the moulded contact surface with the figertip, when stretching the finger tangential to the upper surface of the button against the moulded contact surface.

To the contrary, the button of the conventional mouse, to which casing Adler's cover is attached, cannot be actuated by stroking with the fingertip the

surface of the button or the pad 49. The button of the conventional mouse can be actuated by depressing it through the aperture by the finger movement directed perpendicularly to the surface of the button (see the illustration above).

Thus, there is not any structure in Adler's cover, which could provide button actuation in the way claimed by Applicant in the present invention. This obviously differentiates Applicant's disclosure from Adler; therefore, the Examiner rejections concerning to the way of button actuation, it is respectfully submitted, are improper.

Adler's aperture 44 enables the user to actuate the button by depressing it directly through the aperture if the size thereof provides a sufficient clearance between the fingertip and the edge of the aperture even for the users whose fingertips are too large to reliably actuate the button directly through the aperture.

Following this pre-condition one of ordinary skill could <u>not</u> regard the edge of the aperture 44 as a direct contact surface with the fingertip when placed on the pad 49, which is situated in the center of the aperture. At first, one of skill must **stroke the pad 49 with the fingertip** in order to contact the edge of the aperture by the fingertip.

In contrast to Adler, due to the moulded contact surface, which tapers upwardly from the button surface, Applicant's mould can receive securely fingertips with various masses and provide the direct moulded contact surface with the fingertip.

The Examiner will appreciate that Applicant claims a term - a moulded contact surface formed around the fingertip, but not broadly a contact surface with the fingertip like, the contact surface with the pad 149/166 of Adler's Figs. 6 and 7 given by the Examiner in rejections.

Further, the above given illustration clearly demonstrates that by the finger motion forward, parallel to the working surface, from the **angled** upper surface of the button the fingertip will **not touch** the edge of aperture 44 of Adler's preferred embodiment of Fig. 4.

As seen in the illustration, the front edge of the angled aperture 44 is situated below the fingertip placed on the pad 49, which is situated in the center of the aperture 44. The sufficient clearance around the fingertip and the edge of the aperture should be provided to allow the necessary finger movement throughout the aperture by depressing the button even for the users whose fingertips are too large to reliably actuate the button directly through the aperture.

This means that the edge of the aperture 44 is obviously situated below the trajectory of fingertip movements when stretching the finger forward, parallel to the working surface.

The Examiner will appreciate that the edge of Adler's cover (about 0.032 in. thick) is **closely elevated** over the mouse button **at a height**; the range thereof would be appropriated by one of ordinary skill as being between **minimized up to zero** (see Adler, Column 3, Lines 38-40).

close *with little or no space between* (Oxford Dictionary)

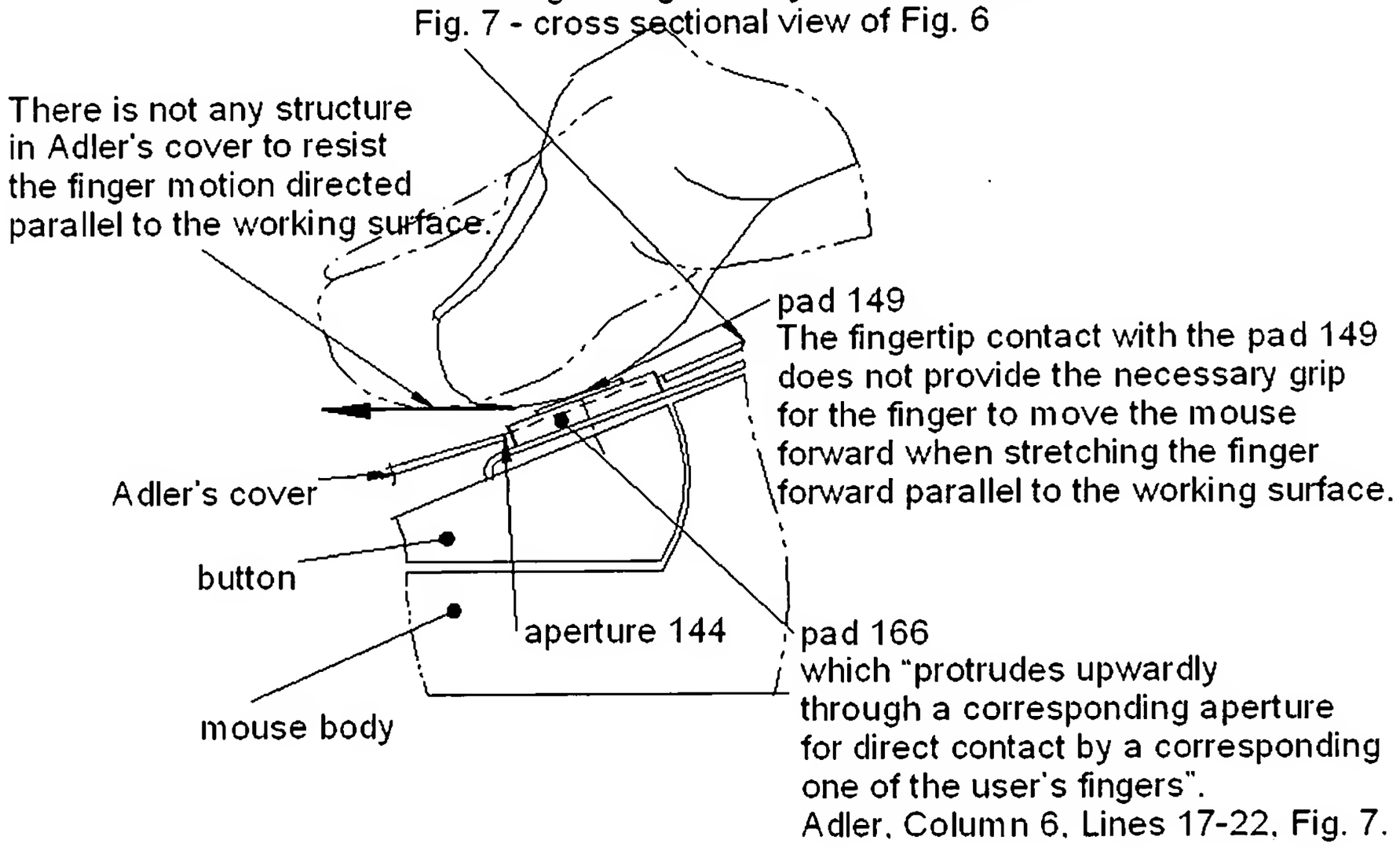
In contrast to Adler, Applicant discloses the mould, which tapers upwardly from the angled upper surface of the button at **a height**, which provides a moulded contact surface with the user's fingertip, which **allows** the user **to move securely the mouse** without actuating the button **by a force applied generally parallel to the working surface** by the fingertip when stretching the finger against the moulded contact surface in order to effect vertical movement of a pointer on a computer screen in upward direction.

Therefore, the Examiner's rejections based on the use of the structure of Adler's cover attached to the casing of a conventional mouse, like the edge of the aperture 44 for moving the mouse forward by just the finger without the use of arm or hand movement, it is respectfully submitted, cannot be properly sustained.

Adler does not teach, suggest, or motivate the use of the edge of the aperture for mouse moving by the finger against the edge for the simple reason that the edge could hinder the finger movement by the button actuation, the only function of the aperture in Adler's cover.

Furthermore, Adler teaches that the pad 166 can protrude through the aperture 44 above the edge thereof for direct contact by the finger.

By closely consideration below submitted illustration, the Examiner will appreciate that there is <u>not</u> any structure illustrated in Adler's Figs. 6 and 7, which could resist the finger motion placed onto the pad 149/166 when stretching against such structure in order to move the mouse forward.



Applicant respectfully submits that, the Examiner rejections based on the use of the contact surface of the fingertip with the pad 149/166 of Adler's Figs. 6 and 7 to move the mouse forward by the finger movement directed forward parallel to the working surface are incorrect.

To summarize, taking in account all above mentioned, the Examiner's rejections of Claims 1, 2, 29 and 30 concerning to the ways of mouse operating and button actuating, it is respectfully submitted, are improper.

Claims 3-25 and 27-30, which depend directly or indirectly in Claims 1 and 2 are patentable for the reasons advanced for Claims 1 and 2.

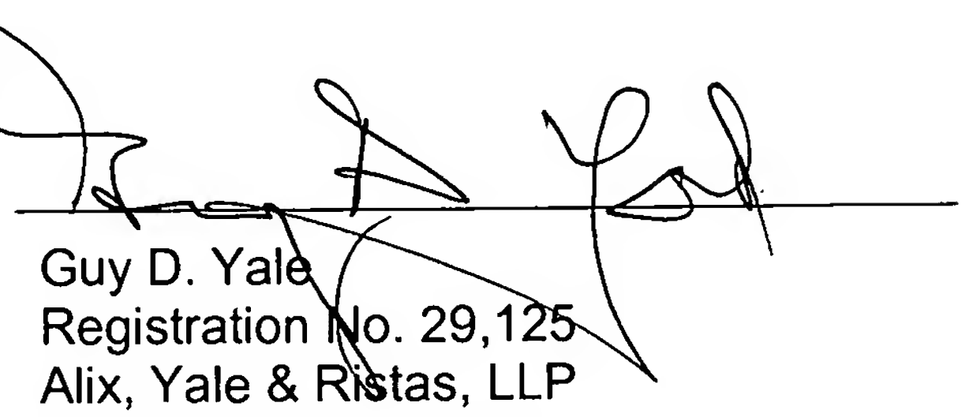
As for well known ergonomic mice, mentioned by the Examiner, the depressions 46L and 46R of Adler's Figs. 1, 4, 5, which are formed at the height **extending obviously over the top of the rear portion of Adler's cover**, will **not** improve the ergonomics of such mice with attached Adler's cover, but rather will **limit the operating thereof.**

Applicant submits that the amendments as presently submitted very clearly cannot be remotely disclosed, taught, or suggested in the cited Adler reference (or in combination with any other reference cited or identified by the Examiner).

For the reasons discussed herein, Applicant respectfully contends that the Examiner's rejections were improper and respectfully request that the present claims be passed to issuance.

Respectfully Submitted,

Alexander Boldin

By: 

Guy D. Yale
Registration No. 29,125
Alix, Yale & Ristas, LLP
Attorney for Applicant

Date: October 20, 2009
750 Main Street, Suite 1400
Hartford, CT 06103-2721
(860) 527-9211
Our Ref: BOLDIN/102/PC/US

GDY/tlc
G:\AYR saved docs\Filing Docs\Boldin\BOLDIN102PCUS\BOLDIN102PCUS_ResponseOA_10_20_09.doc